IMT Nuremberg Archives

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International Court of Justice

H0071-0002

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 27 February 1946, 1000-1300, Lord Justice Lawrence presiding.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, I wonder if the Tribunal would allow me to make a very short explanation as to the source of the document with regard to Stalag Luft No. 3, which the Tribunal discussed yesterday.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: The position was that when evidence for this trial was collected, each government that might be concerned was written to and asked if they would produce government reports, and they have produced government reports which have been put before the Tribunal by the various sections of the prosecution.

The document with regard to the shooting of the prisoners in Stalag Luft No. 3 was a British Government report of the same type. It was compiled from various information which is included in the appendices, and that information included the interrogation of General Westhoff, which had been sent to the United Nations War Crimes Commission, as thousands of other documents were sent, for that Commission to consider whether any action should be taken from the matters deposed.

That document was then sent from the United Nations War Crimes Commission to the British Government and dealt with as part of the material upon which the British Government report was made.

The British Government report is certified to be a Government report by myself, and I have specific authority from His Majesty's Government in Britain to perform such certification.

It is very short, and it might be convenient if I read it so that it appears in the record. I have the copy, which was sent to me on the official Cabinet paper, and purporting to be signed by Sir Edward Bridges, the Secretary to the Cabinet. The original was sent to the Attorney General, and the document is jointly to us both, but there is no doubt as to its authenticity, and the original can be produced if necessary.

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The document reads:

"His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland has authorized the Right Honorable Sir Hartley Shawcross, K.C., M.P., the Chief Prosecutor for the United Kingdom, appointed under Article 14 of the Charter, annexed to the agreement dated the 8th day of August, 1945, and the Right Honorable Sir David Maxwell-Fyfe, K.C., M.P., the Deputy Chief Prosecutor for the United Kingdom, to certify these documents to be produced at the trial of the war criminals before the International Military Tribunal, which are documents of His Majesty's Government in the United Kingdom."

My respectful submission is, therefore, that on my certification the document becomes a governmental document within Article 21, and it is thereupon a mandatory injunction to the Tribunal that it shall take judicial notice of such a document. At that point the document, in my respectful submission to the Tribunal, should be taken into evidence. And it is then, of course, a matter for the defense, if they wish to call any witnesses, to make such application as they desire, and for the Tribunal to rule on it.

But as a point of construction, I respectfully submit that once a document is certified as a government document, as all these government reports are, the Charter enjoins the Tribunal to take judicial notice of them.

THE PRESIDENT: Sir David, the Tribunal did admit the document yesterday, but they are glad of your explanation. Nothing in the order they made is in any way inconsistent with what you have now said.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

COLONEL SMIRNOV: May I continue, Mr. President?

THE PRESIDENT: Yes, Colonel Smirnov.

COLONEL SMIRNOV: Your Honors, I would like to recall certain data which I mentioned yesterday afternoon. I am speaking about the number of exterminated Jews in Poland and Czechoslovakia.

I will allow myself to recall to the Tribunal that the data which I mentioned yesterday, according to the latest report, spoke of three million Jews having been exterminated in Poland. In Czechoslovakia, out of 118,000 Jews, only 6,000 remained living.

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I would like to pass on to the report of the Yugoslav Government, and will quote one paragraph, which the Tribunal will find on page 75 of the document book, the third paragraph:

"Out of 75,000 Yugoslav Jews and about 5,000 Jewish emigres from other countries who were in Yugoslavia at the time of the German attack--that is to say, out of about a total number of 80,000 Jews--only about 10,000 persons survived the German occupation."

I beg the Tribunal to call to this Court a witness, who will confirm this data. This witness is Abram Gerzevitch Suzkever, a Jewish writer, who, together with his family, became a victim of the German fascist criminals who had temporarily occupied the territory of the Lithuanian Soviet Republic.

I beg the Tribunal to allow me to call this witness.

THE PRESIDENT: Yes.

ABRAM GERZEVITCH SUZKOVER took the stand.

BY THE PRESIDENT:

Q What is your name?

A Suzkover.

Q Are you a Soviet citizen?

A Yes.

Q Will you repeat this after me?

I--and mention your name--citizen of the Union of Soviet Socialist Republics, summoned as a witness in this trial, do promise and swear, in the presence of the Court, to tell the Court nothing but the truth about everything I know in regard to this case.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down, if you wish.

COLONEL SMIRNOV: May I begin my examination, Mr. President?

THE PRESIDENT: Yes.

DIRECT EXAMINATION

BY COLONEL SMIRNOV:

Q Please tell me, witness, where were you at the moment of the German occupation?

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A In the town of Vilna.

Q You stayed there during the German occupation for a long time?

A I stayed there from the first day of occupation until nearly the end of the occupation.

H0071-0006

A In the town of Vilna.

Q You stayed there during the German occupation for a long time?

A I stayed there from the first day of occupation until nearly the end of the occupation.

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Q You witnessed the persecution of the Jews in that town?

A Yes.

Q I would like you to tell the Court about this.

A When the Germans seized my town, Vilna, there were about 80,000 Jews in the town. In the streets of Vilna were formed Sonderkommandos, the chiefs of which were Schweineberg and Martin Weiss. The leaders of the Sonderkommandos, or, as the Jews called them, "Hunters", broke into the Jewish houses, dragged away the men, told them to take with them a piece of soap and a towel, and drove them towards the village of Panariai, 8 kilometers away from Vilna, from whence hardly anybody returned.

When the Jews found out that their families had not returned, a large part of the population hid. However, the Germans came with police dogs, found them, and those who did not want to go were shot on the spot.

I must also say that the extermination of the Jews was carried out quite lawlessly.

On the 8th of July there was issued an order which stated that all Jews should wear a white marking on their chest. This order was signed by the commander of the town of Vilna, Helferrich, but on the second day some other commandant, named Neumann, issued another order that they should not wear this marking, but they should wear a yellow star.

Q And what did this yellow star marking mean?

A That meant a yellow star on the chest and on the back, in order to distinguish the Jews from the other inhabitants of the town.

On the third day there was again a new marking. One had to wear a blue ribbon with a white star.

The Jews did not know which insignia to wear, and those who did not wear this sign, as was ordered by the Germans, were immediately arrested and we never saw them again.

On the 17th of July, 1941, I witnessed a large pogrom in Vilna in Novgorod Street. The inciters of this pogrom were Schweineberg and Martin Weiss, whom I have already mentioned, Herring and Faulhaber, who was the Chief of the Gestapo. They surrounded this district with Sonderkommandos; they drove all the men into the street, told them to take off their belts and to

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put their hands on their heads; that is, to hold their hands on their heads. When that order had been complied with, they were sent to the Rokishka prison. But when the Jews started marching off, their trousers slipped down and they could no longer walk, and those who tried to hold up their trousers with their hands were immediately shot on the spot in the street. I saw with my own eyes how, when the whole column had moved off, the bodies of about 100 or 150 shot persons lay about in the street, and rivulets of blood ran down the street as if it had rained with red drops.

In the first days of August 1941, one German saw me in the street of Welikomirj where I was going to visit my mother. He told me, "Go with me, and you will act in the circus." When I went with him I saw that another German was driving an old person along the street, and a third German was holding a young boy. When we reached the old synagogue of the street I saw that logs were stuck up in the shape of a pyramid in the square. One German took out his revolver and told us to take off our clothes. When we were naked, he lit a match and set fire to this stack of wood. Then another German came to us and told us that we should dance around this bonfire and that we should sing Russian songs. The three Germans stood behind us, and with their bayonets they forced us towards the fire and laughed. When we had nearly lost consciousness the Germans went away.

I must say that the mass extermination of the Jewish people in Vilna began at the moment when Bezirkskommissar Hans Hincks arrived, as well as the Referant, or the reporter on the Jewish problem, Maurer.

On the 31st of August, under the direction of Bezirkskommissar Hincks --

THE PRESIDENT: Which year?

THE WITNESS: 1941.

THE PRESIDENT: Go on.

A (Continuing) Under the direction of Hincks and Maurer, the Sonderkommando surrounded the old Jewish quarter of Vilna. On Rudnitskai Street, Jewish Street, Shafzell Street, German Street and others, were led about eight to ten thousand Jews. I was ill at that moment and was sleeping, but suddenly I felt the lash of a whip on me. When I jumped up from my bed I saw that Schweineberg was standing in front of me and that a big dog was with him. He was beating

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everybody, and setting us all to run out into the street. When I was out in the street I saw a large number of women and children and aged persons, all those who lived in these houses. Schweineberg and the Sonderkommandos surrounded all this crowd, and he said that he was taking us to the Ghetto, but of course, as all the Germans said, this was again a lie.

When we were going through the town at night, in columns, and were led towards the Rokishka prison, we all understood that this was not the Ghetto, but of course, as all the Germans said, this was again a lie.

When we were going through the town at night, in columns, and were led towards the Rokishka prison, we all understood that this was not the Ghetto, but that it meant death. When we arrived at the Rokishka prison, near the so-called Rokishka market, I saw a line of German soldiers with white sticks, who were standing there to receive us. While we were passing them the soldiers started beating us. All those who fell, the other Jews were told to pick them up and to carry them to the prison. Near the prison I managed to escape. I swam over the River Vilia and hid in the house of my mother.

My wife, who was in the prison and who managed to escape later on, told me that she saw there the well known Jewish scientist Noa Hatraluzi, who was dying, as well as the president of the Jewish Society of Vilna, Dr. Jacob Ragodski, as well as the young Jewish historian, Pjotzkond, as well as the well-known artists Hash and Kadisch, who were already dead.

The Germans flogged, looted and then drove away their victims to the village of Panariai.

On the 6th of September, at 6 o'clock in the morning, a thousand Germans, led by Bezirkskommissar Hincks, and by Maurer, Schweineberg, Martin Weiss and others, surrounded the whole town, broke into the Jewish houses, and told the inhabitants to take only that which they could carry off in their hands, and go out into the street. Then they were driven off to the Ghetto. When they were passing by Welikomirj Street, and I was standing there, I saw the Germans had also brought sick Jews from the hospital, who wore blue hospita robes. They put them in front of the column, and a German newsreel operator was driving in front of the column and he was filming this scene.

I must say that not all the Jews were driven into the Ghetto. Hincks did that wilfully, with design. He drove the inhabitants of one street to the Ghetto, and the inhabitants of another street to the village of Panariai. Thus, in the Ghetto of Vilna the Germans organized two Ghettos. The first Ghetto contained 29,000 Jews, and the second Ghetto about 15,000 Jews; that is to say, about half the Jewish population of Vilna did not reach the Ghetto but was shot on the way.

I remember how, when we arrived at the Ghetto--

Q Did I understand you correctly that before the organization of the Ghetto half the Jewish population of Vilna was already exterminated?

A Yes, that is right.

When I went to the Ghetto I remember how Martin Weiss went to visit a young Jewish girl, but when he went further he took out his revolver and shot her on the spot. The name of that girl was Gita Parlow.

Q How old was this girl?

A Eleven.

I must say that the Germans organized the Ghetto onsly so as to be able to exterminate the Jewish population with greater ease. The chief of the Ghetto was the reporter on Jewish questions, Maurer, and he issued a series of mad orders. For instance, the Jews could not wear whiskers; the Jews could not pray in the Ghetto; when a German passed, one had to take off his hat, but we dared not look at him.

Q Were these official orders?

A Yes.

Q Were they posted in the Ghetto?

A Yes, they were.

The same Maurer, when he visited the Ghetto, went to visit the workshops where the Jews were working. He instructed that all workers should lie down on the ground and bark like dogs.

One day, in 1941, Schweineberg and these same Sonderkommandos broke into the second Ghetto and arrested all the old men who were praying in the synogogues, and drove them away to Panariai. I remember when Schweineberg went to the second Ghetto--

Q Who were these hunters?

A The soldiers of the Sonderkommando, whom the Jewish population called the "hunters." The Jewish population of the Ghetto named them that.

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Q The Jewish population of the Ghetto named them hunters?

A Yes. These hunters dragged the Jews out of the cellars and tried to drive them away to Panariai. But the Jews already knew that nobody would return alive from that village, and they did not want to go there.

Then Schweineberg began to shoot the inhabitants of the Ghetto on the spot, in the Ghetto. I remember that he was always followed by a big dog, and when this dog heard the shots, the dog jumped at Schweineberg and began to bite his throat. One might have thought that the dog had gone mad. Then Schweineberg killed this dog, and told us that we were to bury this dog and cry over its grave. We then, indeed, cried, that not Schweineberg but the dog had been buried.

At the end of December 1941 an order was issued in the Ghetto, which stated that the Jewish women dared not have children.

Q I would like you to tell us how, or in what form, this order was issued.

A Maurer came to Hospital Street No. 6, and said that an order had come from Berlin that the Jewish women should not have children, and that if the Germans found out that a Jewish woman had had a child, this child would be exterminated.

At the end of December, my wife had a child, a baby boy. I was not at that time living in the ghetto. I was escaping from one of these so-called "Aktion of Extermination" and when I came to the ghetto later I found that two days ago my wife had had a baby in a hospital. I immediately went to the hospital but I saw that this hospital was surrounded by Germans and a black car was standing before the door and that Schweineberg was standing near the car and the hunters of the Sonderkommandos were dragging people out of the hospital and hurling them into the truck. Among them I saw the well-known Jewish writer Gorelski, who was also dragged to this truck. When in the evening the Germans went away I went to the hospital, entered it, and saw my wife who was weeping. It appeared that when she had had her baby the Jewish doctors had already received the order and that they had hidden the child, together with other Jewish newly born babies, in one of the rooms. But when the Germans came to the hospital they must have heard the cries of the babies. They broke the door open and entered the room.

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When my wife had heard that the door had been broken in she immediately ran to see what was happening and she saw that one German was holding a baby and smearing something on its lips and then he threw the baby on the bed and laughed. When my wife picked up the child his lips were already quite black and when I came to the hospital I saw with my own eyes that my baby was dead. The baby was still warm.

On the second day I visited my mother in the ghetto and I saw that the room was empty. An open bible was on the table and a glass of tea, which had not as yet been touched, stood nearby on the table. I found that at night Germans had surrounded this house and driven out all the inhabitants and had driven them away to Panariai.

In the last days of December, 1941, Maurer gave a present to the ghetto, a carfull of shoes, belonging to the persons at Panariai who had been executed, was driven into the ghetto. Thus he had sent the shoes of killed Jews to their families in the ghetto and among those shoes I recognized those of my mother.

Shortly afterward the second ghetto was completely liquidated and in the German newspaper in Vilna it was written that the Jews liquidated had died of an epidemic and that those who wished to live there could apply for lodgings.

On the 23 of October, 1941, at night, Maurer drove into the ghetto and distributed among the population of the ghetto three thousand yellow tickets, so-called "ausweise". Those who had these tickets were entitled to have their families brought to visit them. About eighteen thousand to twenty thousand people lived in the ghetto during that period. Those who were in possession of these yellow tickets were supposed to go to work on the morrow and those others who were in the ghetto but who did not have these tickets were slaughtered. In the ghetto, those who did not want to go, were driven away to Panariai.

I have a document which I found after the liberation of the town of Vilna, concerning the Jewish clothes from Panariai. If this document interests you I can show it to you.

THE PRESIDENT: Do you have the document?

COLONEL SMIRNOV: I do not know of this document either, Mr. President.

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A (continuing) This document states the following. I will read only a few lines.

"Raw Materials Center of Vilna, 3 November, 1941.

"To Bezirkskommissar in Vilna: According to your order ---"

Q As you have read this document you must hand it over.

BY THE PRESIDENT:

Q Will you tell us first of all where the document was found?

A At the Bezirkskommissar's building at Vilna in July 1944, when our town was liberated from the German invaders.

Q Where did you say it was found?

A In the building of the Bezirkskommissar in Vilna; in the headquarters of the District Commissar of Vilna on Gedemin Street.

Q Was that the building occupied by the Germans do you mean?

A Yes, it was the headquarters of the German District Commissar of Vilna. Maurer lived there.

Q Read the part of the document which you were reading just now because we did not hear it.

A "To the District Commissar at Vilna:

"From your order to disinfect the old Jewish clothes from Panarial and send them over to the administration in Vilna."

BY COLONEL SMIRNOV:

Q Please witness, I am interested in the following question. You said that at the beginning of the German occupation eighty thousand Jews lived in Vilna. How many Jews remained after the German occupation?

A After the occupation of Vilna about six hundred Jews remained in Vilna.

Q Thus, 79,400 persons were exterminated.

COLONEL SMIRNOV: I have no further questions to ask the witness.

THE PRESIDENT: Does any other Chief Prosecutor want to ask any questions?

SIR DAVID MAXWELL-FYFE: No questions.

MR. DODD: No questions.

THE PRESIDENT: Does any member of the Defense Counsel wish to ask any questions?

The witness can retire.

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COLONEL SMIRNOV: Mr. President, I would like to modify the plan of my statement and pass on and take up the phase devoted to religious persecution a little later. I would like first to take up that part of my statement which is entitled "Experiments on Live Persons". (It is on page 47 of the Russian text).

Before reading this part of my statement I would like to quote a few short extracts from a document which has not as yet been read by our American colleagues. The principal part of this document concerns experiments which were described in detail by the American Prosecution from other documents. This document is 400-PS. It refers to experiments by Dr. Rascher. It is submitted to the Tribunal as a photostatic copy, which includes a series of documents. I quote two paragraphs from this document.

These two paragraphs testify to the quite definite gravitation of Dr. Rascher to the Auschwitz Camp. This extract is on page 149 of the document book, last paragraph.

"It would be simpler if I were transferred to the SS units and could visit the Camp of Auschwitz with my nephew, where I could more rapidly, by a series of experiments, solve the problem of warming frozen people who had been frozen on land. For these experiments Auschwitz is in every respect far better adapted than Dachau for the climate is colder there and the territory of the camp is larger. Besides it will attract less attention. The victims sometimes shout when they are being frozen.

(This is a letter to the Reichsfuehrer SS)

"If the honored Reichsfuehrer will understand the importance of the experiments which are taking place in Auschwitz, in Lublin or one of the eastern camps, I would request you to order me in the near future to go there so that I could profit by the winter frost.

"Heil Hitler, Yours faithfully and sincerely,

"Rascher".

I would like to remind the Tribunal that this wish of Dr. Rascher to go to Auschwitz was no accidental striving for in Auschwitz experiments were carried out on live persons that considerably outdid anything that was carried out in Dachau or other camps of the Reich, was greatly intensified, and carried out on a very large scale.

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USSR Exhibit Number 8 has already been placed in the record. It is a report of the Extraordinary State Commission on the Monstrous Crimes of the German Government in Auschwitz. From the introductory part of this report we read this excerpt on page 196 of that document book. I will read only one paragraph.

"Special hospitals were created in the camp, as well as surgical blocks, gynecological laboratories and other institutions. But they were organized not for the healing of the sick but for the extermination on people. The German professors and doctors carried out in these buildings mass experiments on quite healthy men, women and children. They carried out experiments on sterilization of women, on the castration of men. The children they inoculated with cancer and typhoid as well as older people and observed the reactions and finally they carried out experiments with different poisons."

I would like to stress that experiments on the sterilization and castration of women and men were carried out on a particularly large scale. Special mass blocks in the camp were set aside for these experiments on sterilization and castration.

I will read two short excerpts from the report of the Extraordinary State Commission, which the Tribunal will find on page 196 of the document book.

"Experiments on women were carried out in the hospitals of the Auschwitz Camp. Up to four hundred interned women were interned in Block 10 of the camp simultaneously and experiments on sterilization by x-raying and by the subsequent removal of the ovaries were carried out, as well as experiments inoculating cancer in the neck of the uterus and forceful abortion, as well as experimentation on contracting tissues in the x-raying of the uterus."

I skip one paragraph and continue:

"In Block 21 the mass experiments on thecastration of men were carried out. In view of the study made of the possibility of sterilization by x-ray, the castration was carried out after a certain time had elapsed after the x-raying. Similar experiments on x-raying and castration were carr ied out by Professor Schumann and Dr. Diering. Very often operations consisted in

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removing the testicles after x-raying."

I beg the Tribunal to allow me, in order to prove the scale of the experiments, to read short excerpts from the statement of the Dutch Doctor De Vint, which is already in the record as USSR Exhibit 52. I will not read the statement in full but will only read the numerical data. This numerical data concerns only one block, Block 10 in Auschwitz.

These are the mumbers of people interned in this block: fifty women of different nationalities who arrived in March 1943; one hundred Greek women who arrived in March 1943; one hundred ten Belgian women who arrived in April 1943; fifty French women who arrived in July 1943; fifty French women who arrived in August 1943; one hundred Dutch women who arrived on the 15th of September 1943 and one hundred Dutch women who arrived a week later, and finally twelve Polish women.

I will quote a further excerpt from the statement of the Dutch Doctor De Vint, which hasbeen submitted to the Tribunal

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as USSR exhibit number 52. I quote that part of the statement in which he speaks of experiments which were carried out by a certain Professor Schumann on fifteen young girls. This excerpt is on page 204 of the document book, first column of the text, third paragraph.

"Professor Schumann, a German. These experiments were carried out upon fifteen girls of 17 to 18 years of age, among whom was Shishni, Bella, from Salonika, Greece, and Buena, Dora, from Salonika, Greece. Only a few of them remained alive. They are still in the power of the Germans and we have consequently no objective data regarding these experiments, but the following is certain.

"The young girls were placed between slabs, through which passed ultra-short waves; one electrode was placed on their stomach and the other on their ovaries. The focus of these rays was directed towards the ovaries which were consequently burned. As a result of too much dosing, very severe burns appeared on the stomach and on the ovaries. One girl died after terrible suffering. The other girls were sent to Birkenau to the sanitary department or to working commandos. A month later they returned to Auschwitz, where two controlling operations were carried out--one long slit and one cross slit--after which they removed their genital organs for an investigation of their condition. The girls completely changed physically as a result and they looked like old women."

Experiments of sterilization of women and castration of men were carried out in Auschwitz on a mass scale beginning in 1942, and after a predetermined period of sterilization the men were castrated for a special study of the tissues. You can find confirmation of this fact in the report of the Extraordinary State Commission of Auschwitz, where numerous statements of internees in the camp have been quoted.

The Tribunal will find this part of my statement on page 197 of the document book, second paragraph, second column of the text.

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I quote two paragraphs.

"Vilagora, who was subjected to these experiments stated: 'A few days after I had been brought to Birkenau, I believe around the first days of December, 1942, all the young boys from 18 to 30 years of age were sterilized by x-raying of their genital organs. I myself was among the sterilized. Eleven months later, that is to say, on the 1st of November, 1943, I was castrated. Together with me on that same day 200 persons were sterilized.'

"Witness David Suritz, from the town of Salonika, Greece, stated the following.

"'In the month of July 1943 I, and with me 10 other Greeks, were mentioned on a list and sent to Birkenau. There we were undressed and sterilized by x-raying. A month later we were summoned to a central station of the camp where all sterilized were castrated.'"

I believe that it is not an accidental thing that the experiments on people began with sterilization and castration. This was a quite natural result of the theoretical principles of German Fascism, interested in the impeding of birth among those people which they considered to be vanquished.

I would now like to quote a short excerpt from Rauschnigg's book, "The Voice of Destruction," which has already been submitted to the Tribunal. This extract was not yet read into the record, and the Tribunal will find it on page 207 of the document book.

Hitler said to Rauschnigg: "And by removal I do not necessarily mean the destruction of these people. I shall simply take systematic measures to dam their great natural fertility."

I skip three sentences and quote this:

"There are many ways systematically and comparatively painless, or at least at any rate bloodless, of causing undesirable races to die out."

This excerpt is on page 137 of the book, "Voice of Destruction," published in New York in 1940.

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Sterilization and castration became a criminal practice of the Hitlerites in the occupied territories in Eastern Europe. Two of these documents ought to be read into the record.

THE PRESIDENT: Colonel Smirnov, perhaps this would be a convenient time to break off.

The Tribunal would like to know how long you think you will take before you conclude your statement.

COLONEL SMIRNOV: I believe, Mr. President, that I will finish my statement today.

I would like the Tribunal to allow me to question three further witnesses and I still have about one hour of reading. But it is very difficult for me to determine the time, as that depends sometimes on other persons.

THE PRESIDENT: We will adjourn now for 10 minutes.

(A short recess was taken.)

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COLONEL SMIRNOV: I ask the permission of the Tribunal to draw its attention to two very short German documents, which are submitted under number USSR 400. The photostat is certified by the Soviet State Commission. It is by Lieutenant Frank, head of the Security Police, regarding the conditions under which one Gypsy woman Lusia Strassdin, had the right to reside in the town of Libau. The first document:

"It was decided that the Gypsy woman, Lusia Strassdin, had the right to live here only if she will be sterilized. She will be told about this, and the result should be submitted to us. /Frank/ Lieutenant of the District Security Police", and then head of the Security Police.

The second document is a memorandum from the First Prefecture of Libau, Graus, and thehead of the Security Police. The text:

"I am returning your memorandum of 10 December 1941 regarding the sterilization of the Gypsy woman, Lusia Strassdin. I wish to state that this person on 9 January of this year was sterilized in this hospital."

In order to prove the magnitude of the experiments which were performed, I would ask Your Honor to turn to the report of the State Commission. The place which I should like to quote briefly the members of the Tribunal will find on page 197 of the book of documents, first column, second paragraph, where it is said that in the archives of the camp were discovered the number and the quota of the female inmates of Camp Sella. This report is signed by the commander of the camp. This was a camp which was specially intended for the experiments. It is stated that on 5 December there were 430; on 19 June, 304, and so forth.

In order to elucidate this question, I would quote the report of the Judicial Medical Commission, the quotation of which is contained on the Auschwitz camp. The place which I should like to quote the members of the Tribunal will find on page 197 of the book of documents, the first column, fifth paragraph. I am skipping the part which refers to sterilization and castration because I think that this question has been elucidated enough, and I will quote only points 4, 6 and 7 of the memorandum. Here it is stated that:

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"In Auschwitz were performed the study of the various chemical preparations on the order of the German, Dr. Ervin. In two cases when for such experiments were to be performed the representatives of the chemical industry of Germany, Dr. Glauber from Koenigshuette and chemist Gebel bought from the administration of the camp 150 women.

Quoting point 6:

"Experiments on Men: There were applications of injurious matters in order to irritate the skin on the knee and create ulcers."

Point 7:

"Artificial Insemination and so forth."

I am skipping three further pages of my speech which give the particulars of these experiments, and I should like to draw the attention of the Tribunal to other crimes perpetrated by the Fascist criminals, and, in particular, regarding the murdering of the insane. I am not going to quote all the examples which the Tribunal will find in the report of the State Commission. I will stop only with one crime, which was perpetrated in the town of Kiev. I quote paragraphs from the reports of the

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Extraordinary State Commission on the town of Kiev, which the members of the Tribunal will find on page 112 of the book of documents, first column, paragraph 6:

"On 14 December 1941 in the Psychiatric Hospital, there entered units of SS men. They chased 306 sick people into one building, where they were held without food and water, and then they were shot in a gulley of Kirilov woods. The other sick were exterminated on 7 January and 22 March 1942, and 17 October 1942".

In the following text of the report of the Extraordinary State Commissi it is indicated by the well verified and corroborated evidence by Professor Kapustianski, Dr. Dsevaltovski and the nurse Troepolski. I am submitting to the Tribunal USSR 249, the photostat of this testimony, and I would ask to read it into the record as a proof. I am quoting some of the extracts from this document:

"During the German occupation of the town of Kiev, the Kiev Psychiatric Clinic had a very tragic day, which terminated in the complete devastation of the hospital. There occurred an unprecedented extermination of unfortunate insane people."

I am omitting the following, and I shall quote the next:

"During 1941-1942 there were annihilated 400 sick people."

I am skipping the next quotation and begin with the following:

"On 7 January 1942 the Gestapo men were in the hospital. They placed guards everywhere in the vicinity of the hospital. Exit or entry into the hospital was forbidden. Representatives of the Gestapo requested the selection of the chronically sick people, and they were to be sent to Jitomi

I am skipping the next.

"What happened to the sick people was carefully kept secret from the medical staff.

"As regards the hospital, the sick people were loaded into special cars, which held 60 to 70 each. This brutality happened under the eyes of everybody. The sick people were loaded into the cars and were murdered. The corpses were thrown out. This brutality continued two days, during which there were annihilated 365 people of the sick.

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"The sick people who could think soon realized the reality. There were heart-rending scenes. Thus, a young girl, a sick person, in spite of all of the efforts of the doctor, understood that death was awaiting her. Shen came out of the ward, embraced the doctor, and asked him, "Is this the end? Pale as death, she went to the car and, refusing any assistance, entered the car.

"The high personnel were told that any critical expression or displeasure were completely out of place and would be regarded as sabotage."

I shall quote another sentence from this report.

"It is a characteristic detail that these unprecedented murders were committed on the Day of Nativity, when the German soldiers were given Christmas trees, and on the buckles of the belt there was written, 'With us it is God'.

I am omitting the following four pages of my speech because they deal with anologous cases in other parts of the country. These were cases where similar methods were used as were used in Kiev.

I will request the Tribunal to accept as proof photostats of three German documents, certified by the Extraordinary State Commission, which certify special formulae were worked out for the murder of the insane by the German Fascists. I am submitting these documents. The first document is submitted under No. 357. The members of the Tribunal can find it on page 218 of the book of documents. I am quoting the text of the document:

"Office of the Registrar in the Town of Riga."

I am omitting the next paragraph.

"By the Present, I certify that those named in the annexed list, 368 insane died on 29 January 1942." It is signed by the Sturmbannfuehrer.

Second document. This is submitted under No. 410. This is a report of the head of the Security Police in Latvia, and under No.257, dated 23 May 1942. I am quoting one paragraph from this document.

"By these Present, I certify that the persons named in the annexed list, 243 ill persons, died on 14 April 1942. S.S. Sturnbannfuehrer."

The third document is submitted under No. USSR 380. This is a report by the head of the Security Police and SD, Latvia, dated 15 March 1943.

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I will read into the record one paragraph of this document:

"By those Present, I certify that those named in the annexed list, 98 insane people, died on 22 December 1942. S. S. Sturnbannfuehrer."

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I am also omitting the next one and a half pages of my report but I would request the Tribunal, without reading this document, in support of this proof of the extermination, to accept under USSR No. 466 the data from another camp. These were given to us by the Polish Government Commission on the investigation of the crimes and I am now going to submit them because they are self-evident.

I would request the Tribunal's permission to interrogate a Polish woman, to have her testify regarding the attitude of the German fascists towards the children. Would you allow me, Mr. Chairman, to ask this witness to come in?

THE PRESIDENT: Yes, certainly.

(SEVERINA SHMAGLEVSKAJA took the witness stand)

BY THE PRESIDENT:

Q Will you first of all tell me your name?

A Severina Shmaglevskaja.

Q Will you repeat this oath after me: I hereby swear before God the Almighty, that I will speak before the Tribunal nothing but the truth, concealing nothing that is known to me, so help me God, Amen.

A (The witness repeated the oath).

THE PRESIDENT: Would you like to sit down?

BY COLONEL SMIRNOV:

Q Tell me, witness, were you an internee of Auschwitz Camp?

A Yes.

Q During what time or what period were you in the camp of Auschwitz?

A From the 7th of October 1942 to January 1945.

Q Do you have any proof that you were internee of this camp?

A I have the number which was tattooed on my hand.

Q What the Auschwitz inmates call the "visiting cards."

A Yes.

Q Tell me, please, witness, were you an eye-witness of German SS men's attitude towards the children?

A Yes.

Q I would request you to tell the Tribunal about this?

A I could tell about the children who were born in the concentration camp, regarding children who were taken to the concentration camp together

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with the Jewish transports and who were taken directly into the crematorium, as well as regarding children who were taken to concentration camps and interned there. Already, in December 1942, when I went to work about ten kilometers --

Q Excuse me! May I interrupt you? Then, were you in the section of the camp Birkenau?

A Yes, I was in the camp Birkenau, which is a part of the camp Auschwitz, which was called "Auschwitz No.2." Can I continue? Then I noticed a pregnan woman in the last four months of pregnancy. It was obvious by the way she looked. This woman, together with the others, had to walk ten kilometers to the place of her work and there she worked the whole day with a shovel in her hands, for the excavation of trenches. She was already ill and she asked the superintendent German, a civilian, so that she would allow her to rest. She didn't allow her to rest. She laughed at her. Together with one of the SS men, she started to beat her and push her around and very strictly observed her work. Such was the situation of all the women who were pregnant. Only in the last minutes we were allowed not to go to work. The children who were born,when they were Jewish children, were immediately sent to their death.

Q When was it ?

A They were immediately taken from their mothers.

Q When the infants arrived?

A No I am speaking about the children who were born in the concentratio camps. A few minutes after their delivery, the child was taken from the mother and the mother never saw her child again. After a few days, the mother had to return to work. In 1942, there was no special blocks in the camp for the children. In the beginning of 1943, when they started to tattoo the internees, the children who were born in the concentration camp were also tattooed. The number was tattooed on their leg.

Q Why on the leg?

A Because the child is very small and the mother's number consisted of five numbers, and there wasn't enough room on its little hand. The children did not have special numbers but bore the same numbers as their mothers as

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they developed. The numbers were in order. These children were placed in a special block and every few weeks, sometimes every few months, each echelon of children was taken away from the camp.

Q Where?

A We never were able to see where these children were taken to. They were taken all the time while this camp was in existence; that is to say, in 1943, 1944; the last transport of the children was taken from the camp in January 1945. These were not only Polish children, because it is known that in Birkenau there were women taken from the whole of Europe. Until today, we don't know whether these children are alive. I should like, in the name of all the women of Europe who became mothers in concentration camps, to ask today the Germans "Where are the children now?"

Q Tell me, witness, were you an eye-witness, for instance, when the children were sent to gas vans?

A Yes. I worked very close to the road which led to the crematorium. Sometimes in the morning I came by these buildings of the German crematory from where I could see secretly how the transports were prepared.

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Than I saw that, together with the Jews that were brought to the concentration camp, there came a lot of children. Sometimes a family had several children.

COLONEL SMIRNOV: The Tribunal is probably aware of the fact that in front of the crematorium was performed the selection.

BY COLONEL SMIRNOV:

Q Selection was made by the doctors?

A Not always by the docts; sometimes SS men.

Q Also by the doctors?

A Yes, sometimes by doctors, too. During the selection, the youngest and the healthiest Jewish women in very small numbers came into the camp but those women who had children in their arms or in carriages or those who had bigger children, together with these children, were sent into the crematorium. The children were segregated from their parents in front of the crematorium and were led into the gas chambers separately.

In 1944, at a time when thegreatest number of Jews were exterminated in the gas chambers, there came out an order that the children will be thrown into the crematorium, into the orifice of the crematorium or into the ditches of the crematorium without being asphyxiated.

Q How should we understand that? Were they alive or were they killed by other means?

A Sometimes the children were thrown in there alive. The cries of the children were heard all over the camp. It is difficult to say how many of these children there were.

Q Why was this committed, because the gas chambers were overworked?

A It is very difficult to answer this question. We don't know whether they wanted to economize on the gas or because there was no room in the gas chambers. I should also add that it is impossible to determine the number of these children because the children, the Jews who were in the ditches of the crematorium, were not registered and were not tattooed. Very often when the inmates who wanted to understand and work out the number of people who perished in gas chambers, could do so for themselves only by the facts which we saw of children's death and the number of children's carriages which were taken to the shops; sometimes there were one Hundred of these carriages

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and they sent thousands.

Q In one day?

A Not always the same. There were days when the gas chambers worked from the early hours in the morning until the late hours of the night. I should also like to tell you about the children who were taken to the concentration camps and kept there until the end.

In the beginning of 1943, there arrived at the concentration camp, together with their parents, Polish children from industrialists. At the same time there arrived Russian children from territories occupied by the Germans. Then to these children were added a number of Jewish children. In smaller numbers, one could also see Italian children in the concentration camp. The condition of these children was as difficult as the adult inmates; perhaps it was even harder. These children didn't receive any rations because nobody could send them rations. Packages of the Red Cross never arrived to the inmates.

In 1944 there arrived at the concentration camp, in a great number, Italian children and also French children. All these children were sick with diseases, phlegmatic inflammations, and suffered from malnutrition. They were very badly clad and often had no shoes on and had no possibility of washing themselves.

During the Warsaw insurrection, there arrived at the concentration camp, as inmates, children from Warsaw. The youngest of these children was a little boy six years old. The children were quartered in special barracks and when there began a systematic evacuation of these people for deportation to Germany, these children were used for heavy labor. At the same time, there arrived at the concentration camps children of Hungarian Jews and they had to work together with the children who were brought after the Warsaw insurrection. These children worked on carts or machines, those carts which they had to pull themselves and had to carry from one camp to the other coal, bricks, machinery, wood, and other heavy things. They also work at the dismantling of one of the barracks during the liquidation of the camp These children remained in the concentration camps until the end; and in January 1945, they were evacuated and had to march to Germany on foot; and the conditions were as difficult for the children as for the adults and under the supervision of the SS men, without food, covering about thirty

H0071-0030

Q During this march the children died of exhaustion?

A I wasn't in the group in which therewere children, and I ran away on the second day after the evacuation march. I should also state regarding the methods of demoralization of the people who were inmates of concentration camps. Everything that we had to suffer was a planned system of demoralizing and degrading human beings.

The concentration camp cars in which the internnes were taken were used previously for cattle. When the transports arrived the cars were nailed, and in each one of these cars there was a great number of people. The convoy of SS men did not take into consideration that humans have physiological necessities. It happened that some of these people had the necessary pots with them. They often had to use these pots for physical necessities.

For some time I worked at the shop store where were bought kitchen utensils of internees.

Q Excuse me. Do you mean that you worked in a store where kitchen utensils of those who were murdered were bought?

A No, to this store was brought only kitchen utensils of the people who arrived to concentration camps.

Q Were these things taken away from them?

A Yes, of course. I should like to say that in some cases the kitchen utensils and pots contained remains of food, and in others there were human excrements. Each of the workers received a pot of water. Half of it they had to drink and the rest to wash a great number of these kitchen utensils. These kitchen utensils, which were sometimes not very well washed, were given to people who arrived in transports to concentration camps. From these kitchen utensils they had to eat. Sometimes during the first day they received dysentery.

THE PRESIDENT: Colonel Smirnov, I don't think the Tribunal wants quite so much of the details with respect to these domestic matters.

COLONEL SMIRNOV: I quite agree with you, Mr. Chairman. The witness was called here only with a view to explaining the attitude of the Germans towards the children in the camps.

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THE PRESIDENT: Will you keep her to the part of her testimony which you wish to bring out?

BY COLONEL SMIRNOV:

Q Tell me, Witness, can you add anything else to the attitude of the Germans towards the children in the camps? You already told us about some of the facts which you knew regarding this question.

A I should like to say that the children were also subjected to the system of demoralization and degradation as were the adults, and also famine, which often led to death. Sometimes the children looked in the dirt for pieces of food--potato peels.

Q Tell me, Witness, do you certify in your testimony, that sometimes the number of remaining carriages of children who were murdered amounted to a thousand per day?

A Yes, sometimes there were such days.

COLONEL SMIRNOV: Mr. Chairman, I have no further questions from the witness.

THE PRESIDENT: Do any of the chief prosecutors wish to ask any questions?

(There was no answer).

Do any of the defendants' counsel wish to ask any questions?

(There was no answer).

Then, the witness can retire.

COLONEL SMIRNOV: I am continuing:

Mr. Chairman, I should like to take up the following section of my report, which deals with the organization of secret plans for the annihilation of peaceful citizens by German fascists. These cannot be considered as concentration camps, because the existence of human beings in these points usually was not longer than ten minutes or mostly two hours.

From the number of these terrible points organized by the German fascists I would submit to the Tribunal proof on two points, that is to say, on point Helmo and Treblinka camps. In connection with this I would ask the Tribunal to request the appearance of one of the witnesses, whose testimony is interesting, because she can be considered as a person who

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returned from the other world, because the road to Treblinka was called by the German executors the road to Heaven. I am speaking of the witness Rajzman, a Polish citizen, and I would request the Tribunal to let the witness come here and be interrogated.

THE PRESIDENT: It is just a quarter to one, so we had better have this witness at two o'clock. We will adjourn now.

(A recess was taken until 1400 hours).

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 27 February 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: The Tribunal has been informed that the witness who was referred to yesterday, Wieland, is in a prisoner of war camp or in prison near London, England, and he can therefore be brought over here to be examined at short notice. The Tribunal, therefore, wishes Defendants' Counsel to make up their mind whether they wish Colonel Westhof and this man Weiland to be brought here during the Prosecution's case for them to cross examine him, or whether they prefer that they should be brought when the Defendants are presenting their case. But, as I have stated with reference to all witnesses, they can only be called once. If they are examined as part of the Prosecution's case, then all the Defendants must exercise their rights, if they wish to do so, of interrogating the witnesses at that time. If, on the other hand, Defendants' Counsel decide that they would prefer that these witnesses should be called during the Defendants' case, then, similarly, the witnesses will only be called once, and the right of examining them must then be exercised.

At the same time, the statement or the report which was presented yesterday, and which the Tribunal ruled was admissible, will be read in the course of the Prosecution's case at such time as the Prosecution decide.

DR. NELTE (Counsel for Defendant Keitel): Mr. President, I ask to be able to make a statement after speaking to my colleagues. I hope that this will be possible in the course of the afternoon.

THE PRESIDENT: I understand you want to consult the other Defendants' Counsel before you let us know. Very well; you will let us know at your convenience. Go on, Colonel Smirnov.

COLONEL SMIRNOV: Mr. President, I would like to proceed with the interrogation of a witness.

(The witness takes the stand)

THE PRESIDENT: What is your name?

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THE WITNESS: Rajzman, Samuel.

THE PRESIDENT: Will you repeat this oath after me: I hereby swear before God, the Almighty, that I will speak before the Tribunal nothing but the truth, concealing nothing of what is known to me, so help me God, Amen.

(The witness repeated the oath)

THE PRESIDENT: You may sit down.

COLONEL SMIRNOV: May I proceed with the interrogation, Mr. President?

THE PRESIDENT: Yes.

QUESTIONS BY COLONEL SMIRNOV:

Q Please tell the Tribunal, witness, what was your occupation before the war?

A Before the war I was an expert accountant.

Q When and under what conditions did you become an internee of Treblinka 2 Camp?

A In August 1942 I was taken away from the Warsaw ghetto.

Q How long did you stay in Treblinka?

A I was interned there for a year, until August 1943.

Q That means you are well acquainted with the treatment of the people established in this camp?

A Yes, I was well acquainted with their treatment.

Q I beg you to describe to the Tribunal this camp.

A Transports arrived there incessantly -- transports filled with Jews. These people came from different countries -- Czechoslovakia, Germany, Greece and Poland. Immediately after their arrival they were driven out of the trucks and lined up on a platform. All those who were driven from the trucks were divided into groups. Men, children and women were separated. All were to undress immediately, undress naked, and this undressing continued under the blows of the whips of the German guards. The workers immediately took up all the clothes and hauled them to barracks, and the people then were obliged to go out to the gas chambers naked.

Q I would like you to explain how the Germans called the gas chambers?

A This street was called Himmelfahrt Street; that is to say, Ascension Street; that is to say, the road to heaven. If it interests the Court, I

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drew up a plan of the camp of Treblinka, and can show the street to the Tribunal on this matter.

THE PRESIDENT: Do you think it is necessary to put in a plan of the camp, unless you particularly want to?

COLONEL SMIRNOV: Yes. I believe the same. I also believe that it is not absolutely necessary.

THE PRESIDENT: Very well.

QUESTIONS BY COLONEL SMIRNOV:

Q Please tell us, witness, how long did a person live after he had arrived in the Treblinka camp?

A The procedure of undressing and of introduction into the gas chambers lasted, for the men, about 10 minutes, and for the women not more than 15 minutes. The women lasted 15 minutes because before they went to the gas chambers their hair was cut off.

Q Why was their hair cut off?

A According to these matters this hair was supposed to serve for the production of mattresses for Germany.

THE PRESIDENT: Do you mean that there was only 10 minutes between the time that they were landed out of the trucks and the time they were put into the gas chamber?

THE WITNESS: As far as men were concerned, I am sure it did not last longe than 10 minutes.

QUESTIONS BY COLONEL SMIRNOV:

Q Including the undressing?

A Yes, including the undressing.

Q Please tell us, witness, were the people brought to Treblinka in trucks or in trains?

A They were brought nearly always in trains, and only the people from neighboring villages were brought in trucks, and on the trucks were inscriptions "Expedition Speer." The trucks came from Sakolova, Vengrova and other villages.

Q Please tell us, subsequently what was the aspect of the station at Treblinka?

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A At first there were no inscriptions whatever at the station, but a few months later the commander of the camp came in at that period, and he built a first-class railroad station with inscriptions. And the barracks where the clothing was stored had inscriptions written on them, such as restaurant, telegraph and telephone, and there were even maps there with inscriptions of the schedule of the arrival and departure of the trains to Berlin, to Warsaw, and so on.

Q Did I rightly understand you, witness, that sort of an artificial station was built with inscriptions and train schedules, with the arrows to the platforms and so on; is that right?

A When the persons descended from the trains, they were persuaded they were at a very good station from where they could go to Vilna, Grodno or to other towns.

Q And what happened later on to these people; where were they taken to?

A These people were taken directly along the Himmelfahrt Strasse to the gas chambers.

Q And tell us, please, how did the Germans behave while killing their victims in Treblinka?

A If you are speaking of the killings, every German guard

had his bestiality. I remember only one example: We had a Scharfuehrer Menz, whose bestiality was the guarding of the so-called "lazaret". In the lazaret were interned all week women or little children who did not have the strengbh to go themselves to the gas chambers.

Q Will you describe this lazaret to the Tribunal?

A This was a building which was fenced in with a wooden fence, and all women, aged persons, and sick children were brought there. Upon it was a large Red Cross flag, hanging over the door of this lazaret, and at the end of this building was the slaughter of all persons who were brought there. And he did not agree to entrust anybody else with this work. Hundreds of persons had to wait, but he insisted on carrying out this work himself and never agreed that anybody should replace him. I remember one example, which concerns the fate of the children.

A 10-year-old girl was brought to this building from the train, and when the mother saw that the man had taken out a revolver to shoot this little child she threw herself upon him crying out and asking, "Why do you shoot her?" And he then took the baby and threw it alive into the crematory oven, and afterwards killed the sister.

Another example: They brought a woman to this building - -

THE PRESIDENT: You are going to fast.

A - - she was in the last stage of pregnancy. She was brought to the hospital, was put on a grass plot, and several Germans came to watch this childbirth. This lasted two hours. When the child was born, Menz asked the grandmother of the mother whom she preferred to see killed first, the mother or the child. He first killed the baby, then the mother, and, finally the grandmother.

Q Please tell us, witness, does the name Kurt Frank mean anything to you?

A This man was the assistant commandant of the camp, the deputy to Stengel. Kurt Frank was known for having published in January 1943, a report that stated that a million Jews had been killed in Treblinka, and was promptly promoted from the rank of Obersturmfuehrer to Obersturmbannfuehrer

Q I beg you to relate to the Tribunal how Frank killed the sister of Sigmund Freud. Do you remember this incident?

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A It happened in the following manner: A train arrived from Vienna. I was standing on the platform when the passengers were taken from the train when an old lady came up to Kurt Frank. She took out a document and showed that she was a relative of the sister, of Sigmund Freud, and she asked that he should give her easy work. Frank read this document very earnestly and said that this was probably a mistake. He led her up to a schedule and said that in two hours a train would leave again for Vienna. She should leave all the documents and jewels and valuables and then go to a bath, and after the bath she would then be able to be sent to Vienna. It is quite clear that she did not return from the bath.

Q Please tell us, witness, why did you stay in Treblinka?

A I was already quite undressed and had to pass through Himmelfahrt Strasse to the gas chambers. Some more Jews had come with my transport. At the last minute, before we moved towards the street, an engineer Galevski, an old friend of mine whom I had known in Warsaw, noticed me. He had an official function in the camp. He was foreman of the Jewish workers. He told me that I should turn off from the street, as they needed an interpreter for French, Jewish, Polish and German languages, and he therefore managed to receive the permission to employ me.

Q You were a member of the labor command of the camp?

A At first I was supposed to load on the train the clothes of the killed persons. I had been two days in the camp. My mother, my sister, and two brothers were brought to the camp from a neighboring town. I watched them be led away to the gas chambers. Two days later, when I was transporting clothing to the railway cars, my comrades found a document and photograph of my wife and of my children, and that is all that remains of my family.

Q Tell us, witness, how many persons were brought to the Treblinka camp?

A Between July and December, 1942, an average of three transports of 60 railway c rs arrived every day, but in 1943 the transports arrived more rarely.

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Q Tell, us, Witness, how many persons were exterminated in the camp on an average daily?

A On an average I believe they killed from ten to twelve thousand persons daily.

Q In how many gas chambers did the killing take place?

A At first there were only three gas chambers, but then they built more gas chambers. It was planned to increase this number to twenty-five.

Q But how do you know that? Why do you say, Witness, that they planned to increase the number of gas chambers?

A Because all the building material had been brought and put in the square. I asked, "Why? -- there are no more Jews," and I was told that they would bring other nationalities.

Q How was Treblinka called?

A Treblinka was afterwards called Obermajdanek; as it became very popular.

Q What do you mean by "very popular"?

A This means that the persons who arrived in transports soon found out that it was no longer an ordinary station; but it was a death trap.

Q Tell us, Witness, why was this artificial station built?

A It was done exclusively so that the people should not be nervous; that they should quite peacefully undress; and that there shouldn't be any incidents.

Q You mean this building had a psychological function to reassure these people?

A Yes, exclusively psychological function.

COLONEL SMIRNOV: I have no further questions to ask of this witness.

THE PRESIDENT: Do any of the other chief prosecutors wish to ask any questions?

SIR DAVID MAXWELL-FYFE: No.

MR. DODD: No.

THE PRESIDENT: Do the defendants' counsel wish to ask any questions:

(No response.)

THE PRESIDENT: Then the witness can retire.

(No cross-examination.)

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COLONEL SMIRNOV: May I continue the rest of my presentation?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: I would like to submit to the Tribunal a very short excerpt from a document which is submitted as an official appendage to the report, which is a sworn statement.

THE PRESIDENT: Have you got any more witnesses?

COLONEL SMIRNOV: Yes; I still have a request to call a last witness concerning the last count of my statement. I would request the Tribunal to call the Reverend, the Dean of the Leningrad Seminary, the Rev. Nicolai Ivanovitch Lomakin. He would be my last witness.

THE PRESIDENT: And you would be able to include his testimony today and conclude your statement; is that right?

COLONEL SMIRNOV: Yes, Mr. President.

THE PRESIDENT: All right; go on.

COLONEL SMIRNOV: May I continue, Mr. President?

THE PRESIDENT: Yes.

COLONEL SMIRNOV: I would like to read another short excerpt from this appendage, which is a sworn statement of the Polish Examining Judge, and which I submit to the Tribunal. I read only that excerpt which concerns the scale of the crimes; that is to say, the number of victims of the Treblinka Camp, in which the Polish witness had noticed even British passports and British University diplomas. This means that the victims were brought from every country of Europe, and the total number of victims is estimated at 340,000.

I would like to tell the Tribunal of another secret extermination point, namely, the statement to the main commission for the investigation of crimes, German crimes in Poland, and which is also an appendage to the Polish official report. I would thus like to read two very short excerpts of

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this latter statement, which gives us an idea of this secret extermination point in the village of Helmno near the town of Lodz. This is on page twenty-three of the document, third paragraph.

"In the village of Helmno there was an abandoned mansion surrounded by a large park. Nearby there was a nursery with dense undergrowth. It was at this point that the Germans built an extermination camp. The park was fenced in by a high, wooden fence, and one could not see what was taking place in the park. The inhabitants of the village of Helmno were deported."

I end this quotation and pass on to page twenty-six of the document, first paragraph.

"The organization of the extermination of people was so slyly thought out and carried out that until the last moment of their lives the next transport of condemned persons could not guess the fate of those who had preceded them.

"The departure of transports consisted of 1,500 persons from the village of Vartegau to the extermination camp, and the extermination of new arrivals lasted until two p.m. The cars, which were crammed full of Jews, stopped before the mansion. A representative of the Sondercommando made a short speech to the new arrivals. He convinced them that they were going to work in the East. He promised them just treatment by the authorities and adequate food, and warned them simultaneously that before their departure they would take a bath and that their clothing would be disinfected. The Jews were then rushed to a long hall, which was on the second floor of the mansion. There they undressed, and dressed only in underclothes they went downstairs, passed through a corridor which contained signs such as, "To the Medical Officer" and "To the Bath." The areaway with these signs painted on it led to a door, to the bath. The Jews who came out into the yard were warned that they would go to a bath in a closed car, but in reality near the exit a large car was brought up to this door so that the Jews descended straight into the car. The loading of the Jews into the car lasted a very short time, and gendarmes were on guard in the corridor and near the car. With blows and shouts they

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forced the Jews to enter the car without being able to resist. After all the Jews were piled into the car the doors were closed the chauffeur turned on the gas, and then the Jews who were in the car were poisoned."

The construction of this car is already known to the Tribunal; the so-called "Machine of Death."

I will quote now one sentence from page ten of this document.

"Thus at least 340,000 men, women, and children were exterminated in Helmno."

I believe that I can end here that part of my statement which concerns the secret exterminating point. And now I pass on to the last part of my statement which concerns religious persecutions.

In the Soviet Union as well as in the countries occupied in Eastern Europe the German-Fascist criminals presented themselves by mockery of the religious feelings and faith of the people, and by the persecution and killing of the priesthood of all religious creeds.

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I will read a few excerpts from these reports of the various governments on these persecutions.

Czechoslovakia. On page seventy of the Russian text, which corresponds to page eighty of the document book, we find the description of the persecution of the Czech Orthodox Church by the German-Fascist criminals. I quote only one paragraph.

"The hardest blow was directed against the Czech Orthodox Church. The Orthodox Churches in Czechoslovakia were ordered by the Berlin Ministry of Church Affairs to leave the Pontificate of Belgrade in April and become subordinate to the Berlin Bishop. The Czech Bishop of Gorasd was executed together with two other priests of the Orthodox Church. By a special order of the Protector Daliuge issued in September 1942, the Orthodox Church of Serbia and Constantinopal jurisdiction was completely dissolved on Czech territory and religious activity was forbidden and its property confiscated."

On page sixty-nine of the same report, which corresponds to page fifty-nine of the document book, there is a description of the persecution of the Czech national church, which was pursued by the German-Fascists because of its name and because of its sympathy to Democracy and its relations to the creation of the Czech Republic. The Czech national church was entirely prohibited, and its property confiscated under German compulsion in 1940.

The Protestant Church in Czechoslovakia was also persecuted. This excerpt can be found on page eighty of the document book.

"The Protestant Churches were deprived the freedom to preach the Gospel. The German Secret State Police watched closely whether the clergy observed the restrictions imposed on it. Nazi censorship went so far as to suppress hymns that praised God. Some passages from the Bible were not allowed to be read in public at all. The Nazis strongly opposed some Christian doctrines. They opposed some Christian doctrines being promulgated from the pulpit, more especially those about the quality of all men before God, the universal character of the church, and the Judaic origins of the Gospel. Even religious text books were modified. Church leaders were especially prosecuted. Scores of ministers were imprisoned in German concentration camps, among them the secretary of the Student Christian Movement in Czechoslovakia. One of the devout presidents of this movement was executed."

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On page sixty-eight of this report we find information as to the prosecution of the Catholic Church of Czechoslovakia. This excerpt is on page seventy-nine of the document book, second paragraph. I quote a short excerpt.

"In the territory annexed to Germany after the Munich Pact a number of priests of Czech origin were robbed of their property and expelled. Pilgrimages to national shrines were prohibited in 1939. At the outbreak of the war 437 Catholic priests were among the thousands of Czech patriots arrested and sent to concentration camps as hostages. Generally, ecclesiastical dignataries were dragged to concentration camps in Germany. It was a common sight on the road near concentration camps to see a priest dressed in rags, exhausted, pulling a cart, and behind him a youth in SA or SS uniform, whip in hand."

The Polish believers and clergy also suffered very crude persecution. This is on page ten of the document book.

"By January 1941 about 700 priests were killed; 3,000 were imprisoned or in concentration camps. The persecution of the clergy began immediately after the seizure of Poland by the Germans. The day after the occupation of Warsaw the Germans arrested some 330 priests. In Cracau the closest collaborators of Archbishop Monsignor Sapega were arrested and sent to Germany. The Rev. Canon Czepliżki, age eighty-five, and his entourage were executed in November 1939."

The report of the Polish Government mentions the following words of Cardinal Glonda:

"The clergy are the most harshly persecuted. Those who have been permitted to stay are subjected to humiliation and are paralyzed in their exercise of their pastoral duties and stripped of their benefices and of all their rights. They were entirely at the mercy of the Gestapo."

On the territory of the Soviet Union the persecution of religion and of priesthood took the form of blasphemy of the churches, the destruction of sanctuaries, and the murder of priests.

I beg the Tribunal to call a last witness of the Soviet Prosecution, the Dean of the Leningrad churches, the Reverend Nicolai Inanovitch Lomakin.

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(REV. NICOLAI IVANOVITCH LOMAKIN, witness in behalf of the Russian prosecution, takes the stand).

THE PRESIDENT: Will you tell me your name?

THEWITNESS: Nicolai Ivanovitch Lomakin.

THE PRESIDENT: Is it the procedure for you to take an oath before giving evidence?

THE WITNESS: I am an Orthodox priest.

THE PRESIDENT: Will you take the oath?

THE WITNESS: Having entered the priesthood in 1917 I took an oath to tell the truth all my life and I have remembered this oath to the present day.

THE PRESIDENT: Very well.

COLONEL SMIRNOV: May I proceed with the examination of this witness, Mr. President?

THE PRESIDENT: Certainly.

DIRECT EXAMINATION

BY COLONEL SMIRNOV:

Q Please tell us, Witness, you are the Dean of the Leningrad Churches; that is to say, all the churches in that city are subordinate to you?

A Yes, all the churches are directly subordinate to me. I am obliged to periodically inspect the conditions of the churches, which I then report to the Metropolitan Alexei of Moscow.

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Q Please tell us, Witness, the churches of the Leningrad district were also subordinated to your authority.

A No, they are now not subordinated to me, but during the occupation by the Germans they were subordinated to my authority.

Q Please tell us, Witness, after the liberation of the Leningrad district did you have the possibility to visit the churches in the territory by request of the Patriarch?

A No, not by request of the Patriarch, but by the request of the Metropolitan Alexei who was at that period in Leningrad; the Patriarch was then Sergei. At that period Metropolitan Alexei was Archbishop of Leningrad.

Q Please tell us, Witness, where were you during the blockade of Leningrad?

A I was in Leningrad.

Q I am not mistaken you were decorated for the defense of Leningrad?

A Yes, I was awarded a medal for the heroic defense of Leningrad on the day of my birthday.

Q Tell us, Witness, at the beginning of the blockade of Leningrad where did you officiate -- at which church did you officiate?

A At the beginning of the blockade I was in charge of the George Cemetery, and was Dean of the Nikilai Cathedral. This was a cemetery-church.

Q Maybe you will be able to relate to the Tribunal your impressions?

A In 1941 and at the beginning of 1942 I was dean of this church and I had the possibility of observing certain tragic scenes which I would like to relate to the Tribunal. A few days after the treacherous attack on the Soviet Union by Hitler-Germany I witnessed an increasing number of burial services. They were ordered by the children and wives of the victims of the treacherous air raids of the German aviation; peaceful citizens of our town. Just before the war the number of burial services varied from thirty to fifty persons a day. During the war this number rose steadily to several hundred a day. There was no physical possibility of bringing the corpses to the church. Long rows of boxes and coffins filled with remnants of the victims stood outside the church; victims of the

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barbarous air raids of German aviation. During the burial services the relatives of deceased officiated the burial of a great many people in absentia; the numerous relations of those who were buried under the ruins of the houses destroyed by the Germans.

Around the churches one could gaze on end and see hundreds of coffins over which were sang burial services. Forgive me, it is difficult for me to relate to the Tribunal. As the Tribunal knows, I stayed during the whole blockade; I saw hunger; I saw the terrible air raids of the German aviation; I was myself shellshocked several times.

The winter of 1941-42 the inhabitants of Leningrad suffered particular privations. The ceaseless attacks of air

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craft of German aviation, the shelling by the German artillery of the town, absence of light, of water, of transportation, and of cannonading in the town, and finally hunger, -- as a result of all this the peaceful citizens of the town suffered privations which were unique in history.

Innumerable peaceful citizens died in the service of their country. Together with that, together with all that I have just told you, I could cite other terrible scenes during the period which I was dean of this Churc

The Cemetery was very often raided by the German aviation. You can imagine the scene where people are in eternal rest in the enclosure of the cemetery. The bones and remains were uprooted by the bombs, where people had just sung burial services for their relations, and were again obliged to suffer the ceaseless attacks of the enemy.

Q Tell us, witness, during the hunger period in what proportion did the number of burial services increase?

A As I have already told you, as a result of the terrible privations, as a result of the air raids, as a result of the shelling, the number of burial services reached several thousand a day. I would like to tell the Tribuanl what I had observed on the7th of Feburary 1942, A month earlier, quite famished and having been obliged to walk great distances from my house to the church, I fell ill. Two of my assistants replaced me in officiating. On the 7th of Feburary, the beginning of the great fast, I came for the first time to my church and I was absolutely astounded. The church was

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surrounded by mounds of bodies which even blocked the door of the church. These mounds numbered one or several hundred persons. They were not only around the church. I witnessed outside people, famished, and wishing to bring the bodies of their relations to the church, fall exhausted and die on the spot beside the body of their friend of relation.

Q. Tell us, Witness, what destruction was inflicted on the Leningrad churches?

A. As I have already reported, as Dean of these churches I was to observe the conditions of these churches and report to the Metropolitan Alexei. My personal observations were the following:

The Church of the Resurrection and Blook, which is a very remarkable monument, was very seriously damaged by enemy shelling. The copulas and roofs were hit by shells and the frescos were either damaged or destroyed.

The Holy Trinity Church, which commemorated the heroic siege of Tsmail, and where there were frescos was systematically shelled by the Germans and subsequently damaged. The roofs were also damaged and the artistic sculpture was destroyed.

Q. How many churches were destroyed and how many were damaged?

A. The Church of Seraffinov was completely destroyed, and the German air raids also damaged two other churches very severely. First of all, the Cathedral of Vladimir, where I officiated. In 1942, in the month of February until the first of July, I was Dean of this Cathedral, and I would like to acquaint you, Your Honors, with a very interesting incident which occurred on the eve of Easter 1942.

On Easter Saturday, at five p.m. Moscow time, the German aviation carried out a mass raid. At five-thirty two bombs fell on the southwestern part of the cathedral. The believers were approaching the tomb of the Lord. I saw how about thirty persons were lying near the altar wounded. Many other people were wounded in the church. They were at first powerless, and later we gave them sanitary aid. Persons who had not been able to enter the church tried to escapt by hiding in the air-raid shelters. The others waited with horror the approach of death, for the shock inflicted to the church was so heavy bits of

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mortar continued to fall from the ceiling. Then I was quite astounded upon seeing the believers flock around me and ask me, "Father, are you alive? How can one understand this? Everybody said that the Germans respected Christ; that they love all those who believe in him. How can they believe in God when on Easter, the eve of Easter, they act like this."

I must say that the air raid lasted until Easter Morning; all night, on the night of joy for all Christians. This night was turned by the Germans into a night of death; into a night of destruction; and a night of suffering/

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Q Tell us, Witness -

A (Interposing) One minute. Two or three days later, in the Church of the Redeemer, with the Deans of the other churches, we began to count up the number of victims of this air raid, women, children and aged persons.

Q Tell us, Witness, you also visited the Leningrad District?

A Yes.

THE PRESIDENT: Colonel Smirnov, if your examination is going on, I think perhaps we'd better adjourn now for ten minutes.

(A recess was taken.)

THE PRESIDENT: Dr. Nelte, can you let the Tribunal know what your wishes are about General Westhoff and Wieland?

DR. NELTE: Through the suggestion of the Court, as to calling the witnesses Westhoff and Wieland, I want to make the statement that, after discussing it with my colleagues of the defense:

First, we forego the calling of both witnesses at this stage of the procedure, if also the Prosecution does not insist on reading the Document F.1450, USSR 413, at this stage of the procedure.

Second, I name General Westhoff as witness, and I believe, from suggestion of the Court, that this witness has been accepted as relevant.

THE PRESIDENT: Yes, certainly.

Mr. Roberts, could Sir David attend here in the course of a short time, do you think?

MR. ROBERTS: He is at a Chief Prosecutors' meeting now, but I can get him in a few moments if there is a question which I couldn't answer on his behalf.

THE PRESIDENT: Well, I think perhaps it would be best if he were here. It is only a question really as to whether the document should be read.

MR. ROBERTS: Well, I am told the meeting has just ended. I didn't quite get what your Lordship said.

THE PRESIDENT: I said the question was whether the document is to be read by the Prosecution. Dr. Nelte, as I understand it, was suggesting that perhaps the Prosecution would forgo their right to read the document.

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MR. ROBERTS: My Lord, speaking for myself, I feel quite certain that so far as the British delegation is concerned we should not forego reading that document. Our Russian colleagues put it forward as a very cold-blooded murder of brave men, and we are most anxious that the document should be read.

THE PRESIDENT: Yes.

DR. NELTE: Mr. President, I have not made it a condition that the document should not be read at all, submitted at all, but only at this stage of the proceeding.

THE PRESIDENT: Yes, but, you see, the Prosecution want it read as part of the Prosecution case. If it is postponed until your case begins, it will not be read as part of the Prosecution.

DR. NELTE: I believe that the Prosecution in the cross-examination could bring up those documents which the Prosecution wants to submit now.

THE PRESIDENT: Well, we can't get Wieland over here tomorrow, and the case of the Prosecution we hope will close tomorrow.

DR. NELTE: Yes, sir.

THE PRESIDENT: Therefore, the document must be read tomorrow. We would then get General Westhoff and Wieland over for you at any time that is convenient to you.

DR. NELTE: I believe that the Prosecution has said that at any time during this proceeding new points of evidence, new probative matters would be presented, that shows from the Indictment. It seems to me, therefore, that the Prosecution could wait with the presentation of this part of their case without any damage for thsir case, until I can question the witness.

THE PRESIDENT: Yes, General.

GENERAL RUDENKO: I would like to add something to what my colleague, Mr. Roberts, has said. The point is that the document submitted to the Tribunal was given to us by the British delegation and was submitted according to the 21st Article of the Charter. This document can be read into the record or not, in accordance with the decision of the Tribunal of the 17th of January 1946.

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If the Defense, as was already announced this morning, intends to object to this document by presenting witnesses, that is the right of the Defense. This is what I wanted to add to Mr. Roberts' statement.

MR. ROBERTS: Perhaps your Lordship would allow me to add one thing. The Tribunal has ruled that this document is admissible, and it has been admitted, as I understand it. Therefore, I would submit that it ought to be read as part of the Prosecution's case, although it might be equally convenient after the discussion on the Organizations.

THE PRESIDENT: Yes. Well, I see that Sir David has just come into Court.

MR. ROBERTS: If your Lordship please --

THE PRESIDENT: If you would just consult with him.

THE PRESIDENT: Sir David, I think the view the Tribunal takes is that it is a matter for the Prosecution to decide when they put in this document and if they wish to put it in now, or as Mr. Roberts suggested, after the argument on the Organizations, they are at liberty to do so. Then these two witnesses can be called at a later stage when the Defendants' Counsel wish them to be called.

SIR DAVID MAXWELL-FYFE: I entirely agree with what I am told Mr. Roberts has put forward. We consider that this document ought to be put in as part of the case for the Prosecution. If it will be convenient to Counsel for the Defendants I shall be glad to take up the matter of the time that shall be fixed, after the Organizations, but the reading of the document certainly should be part of the Prosecution's case.

THE PRESIDENT: The document may be read, then, at the end of the Prosecution's case.

SIR DAVID MAXWELL-FYFE: Yes.

May I apologize to the Tribunal for being absent. There was other business connected with the Tribunal in which I was engaged.

THE PRESIDENT: Certainly.

Wait one moment.

Then, Dr. Nelte, the Tribunal would like you to let us know when you wish these witnesses called, so that we can communicate with London in order

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that the witness Wieland may be brought over here.

DR. NELTE: The witness could appear during the presentation of my case. I could not say when that will be,

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when I can present my witnesses. I believe that the Court is in a better position to decide the date on which I will be able to come before the Court with my case. Between interrogations of witnesses which will be granted to me, I will question these witnesses also.

THE PRESIDENT: Dr. Nelte, you see these witnesses not only affect your client, but also affect the Defendant Goering and the Defendant Kaltenburnner, and therefore what the Tribunal wish is that you, in consultation with Dr. Stahmer and the Counsel for Kaltenbrunner, should let the Tribunal know what would be the most appropriate time for those witnesses to be called, so that a time may be fixed for summoning Wieland here and letting the prison authorities know about Westhof.

DR. NELTE: We have spoken about that. We have discussed it and we have agreed that the witnesses will be called during the time of my presentation.

(A brief interruption.)

I am just told by Sir David that we are therefore agreed that the documents will be presented after the case against the Organizations.

THE PRESIDENT: Yes.

Colonel Smirnov?

COLONEL SMIRNOV: May I continue with my questioning, Mr. President?

THE PRESIDENT: Yes.

BY COLONEL SMIRNOV:

Q I have one last question to put to you, Witness. Tell me, when you left the city to go into the country to investigate the churches, did you ever witness the mockery of religion or its humiliation?

A Yes, I did.

Q Would you be kind enough to relate this to the Tribunal?

A In June 1943, by the directive of Metropolitan Alexis, I left for the region of the Old Peterhof and Oranienbaum. From personal observations and from my conversations with the members of the church I learned the following.

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Most of what I learned, I learned when Peterhof was freed from the German occupation, and what I shall now relate may be checked with others' testimony.

In the Old Peterhof soon after the Germans destroyed the new Peterhof within ten days, the artillery fire on the enemy planes destroyed every church. At the same time the German planes and the artillery fire were so arranged that together with the churches they were destroyed. The parishioners and those who sought refuge in the churches were usually the inhabitants, the peaceful citizens of the region.

All the churches in the Old Peterhof, namely the Church of Znamenska, the cemetery of the same, Trinity Church and the Little Church of Lazarus near the cemetery, the Holy Museum and the church of the military cemetery--all the churches were destroyed by the Germans. I can state with certainty that near the cemetery church and the Lazarus Church near it, as well as other churches, such as Znamenska--in those churches more than 10,000 worshippers and persons seeking refuge died. The Germans wouldn't let the people leave the churches.

It is easy to picture the sanitary conditions of the people confined in those churches, in the basements of those churches--bad air, human excreta right in the basement of the churches, people terribly afraid, many dizzy, many sick. Whoever tried to leave any of the church basements was immediately shot by the German Fascists.

Much time has already passed since that time, but I remember particularly one occasion which was related to me by my close relative. I shall relate the incident.

A little girl left the basement of the Trinity Church to fetch some water. Immediately she was shot by German snipers. The mother followed the child, but was shot right near the body of her little girl. The citizen of Maslowa who told me that is still alive. She lives in the city of Pskov.

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But there were many incidents of that kind.

Q Tell me, Witness, in the other regions of the Leningrad district, did you ever witness sacred relics and other sacred objects being mocked and being insulted?

A Yes. I witnessed terrible scenes of destruction in general, but particularly I feel that I must relate to your Honors that, in the city of Pskov, in the religious museum, right on the shores of the beautiful river, I witnessed the most terrible things. In that city, up to 60 churches of various creeds--those 60 churches, which are the monuments of national culture, of the centuries of religion, only a very few of those remain now. Particularly terrible was the destruction of the monuments which reflect the religious culture of the many centuries of the Russian people. For instance--

Q Well, just what happened to those churches?

A That is just what I want to relate. The ancient cathedral, the largest church, with its wonderful works of art--this whole thing was plundered by the German soldiers. Everything was carried out of it and not only from that church alone, but from all the other churches of the same city. You won't find a single ikon left, not a single holy image, not a vestment. Everything was taken out.

I had to return again to the cathedral of The Trinity for my visit there, but it almost cost me my life. Just a half hour before I arrived there a mine exploded right near the altar, the gate to the altar. The altar blew up immediately. Blood was splattered all over it. Before my own eyes I saw three of our Soviet warriors who were killed by the mine, intentionally planted there a short while before, right at the gate of the holy altar.

And I shall make another remark here. In Pskov, which was freed from the Germans in August, 1944, another mine exploded in January 1946, and two persons died. In the same manner was treated the church of St. Vasili on the Gorka. There a mine was laid right at the entrance to the church.

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The thing that was so surprising in all the churches was the fact that all the dirt, all the excreta were always deposited somewhere at the entrance to the church.

Out of another cathedral, for instance, the Germans made stables. In another one they used it as a wine-cellar. In a third temple I saw coal and oil. My heart bleeds from the plunder that I have seen, from the suffering that I have seen. My heart bleeds when I think that these people talk about culture, that some of them said that they believed in Christ.

Q Witness, I have no more questions.

A I would like to secure permission, Mr. Prosecutor, to allow me to say a few more words about what happened in Leningrad. I won't detain you very long.

Q With regard to that, you must ask the Tribunal.

THE PRESIDENT: Very well.

A I secured permission, your Honors, to add a few words. This is about the mockery of the Nicola Bogojavlenski Cathedral, the greatest cathedral in Leningrad. In that church during the blockade of Leningrad, lived the Metropolitan Alexis of the Orthodox Church. Since I served there until the end of the

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war I witnessed certain things there. In July, 1942, I witnessed a great deal of artillery fire directed at the Cathedral. It was particularly surprising, since I could not understand what military objectives could be there in the temple, in the vicinity of the temple. The moment church services would begin, particularly on Sunday, artillery fire directed straight at the church would begin.

At the beginning of the great raid in 1943, which began with early morning and lasted until late at night, we the clergy as well as those praying in the temple could not leave it, even for a minute, as the artillery fire never stopped. Around us there was death and destruction. I saw myself how about fifty persons -- I don't know exactly how many -- people who had been my parishioners -- I saw myself how they died right near the church. They had left the church before the siren sounded "safe" and were shot immediately. In this sacred temple thousands of men were murdered, thousands of men died as a result of the German planes and German fire. For thousands of them I said memorial services. An ocean of tears was shed for them as a memorial. Our Metropolitan, Alexis, escaped death by a hair's breadth when several shell fragments broke his own dwelling within the church.

I do not want to take up too much time but I do want to say that the remarkable thing was that the most intensive artillery fire always took place on holy days when crowds worshipped in the churches. Hospitals, churches and other cultural and humanitarian institutions seemed to be the special target of the German fire. It wouldtake a long time, your Honors, to relate everything which I have seen, if I could ever tell anyone the whole long book of sorrow and suffering and crime that I have seen.

But I want to say in conclusion that the Russian people and the people of Leningrad have fulfilled their duty to their Fatherland. They bore the strafing of the German planes. Throughout the German artillery bombardment there was great organization, efficiency, courage, devotion. All through it, the Church of God tried to console the parishioners by preaching the Word of God and by preaching sacrifice.

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COLONEL SMIRNOV: I have no more questions of the witness, Mr. President.

THE PRESIDENT: Do any of the other members of the Prosecution wish to ask any questions?

(The answer was in the negative).

Do any of the Defense Counsel wish to put any questions ?

(The answer was in the negative).

Then the witness may retire.

COLONEL SMIRNOV: May I saw a few words by way of concluding my report?

THE PRESIDENT: You may.

COLONEL SMIRNOV: Your Honors, in his Note of the 6th of January, 1942, the Peoples Commissar for Foreign Affairs of the USSR stated that the Soviet Government considered it its duty to inform the entire civilized world and all honest citizens through the world of the monstrous crimes of the Hitlerite bandits. Victory over Fascist Germany was won in battle by millions of honest people in this war, the greatest in scale in the history of the world. This International Tribunal was created by the will of millions of honest people, to judge the chief criminals of war, and each representative of the Prosecution feels back of him the invisible support of these millions of honest persons, in whose name he accuses the chiefs of the Fascist conspiracy.

To conclude the presentation of the evidence of the Prosecution, the honor of that task has fallen to my lot. I knw that in this moment the millions of citizens of my country, together with the millions of honest persons throughout all countries of the world, await your just and speedy verdict. Let me end on that.

MR. DODD: (of the United States Prosecution). May it please the Tribunal, I have a few matters that will take but a few minutes, with respect to the record.

In the course of the presentation of the 23rd of November 1945, pertaining to economic aspects of the conspiracy, certain documents were read from, but they werenot formally offered in evidence. At that time the Tribunal indicated that sufficient time had not been allowed Counsel for the Defense to make an examination of these documents, and we did not

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offer them, agreeing instead that we would make them available in the Defendants' Centre. We did so, and they have been there all of the time since. They should be formally offered. The extracts were read. There is no necessity of going through that again. They are as follows:

The first one referred to in the record was one bearing the number EC-14, which we offer as USA Exhibit 758. Extracts from this document were quoted on page 297 of the record.

The next one is EC-27, which we offer as USA Exhibit 749. Extracts from this document were quoted on pages 279 and 280 of the record.

The third one is EC-28, which we offer as USA Exhibit 760. Extracts from this document were quoted on page 275 of the record. On that page the document was erroneously offered as USA Exhibit 23, but the correct number is USA Exhibit 760.

EC-174 was quoted from on pages 303 and 304 of the record. We offer that as USA Exhibit 761.

EC-252. Extracts from that were quoted on page 303 of the record. We offer it as USA Exhibit 762.

EC-257. Extracts from this document were quoted on page 303 of the record. We offer it as USA Exhibit 763.

EC-404. We summarized and quoted from this document on pages 291 and 292 of the record. We now offer it as USA Exhibit 764.

B157 was read from, and on page 299 of the record, and we now offer it as USA Exhibit No. 765.

B167 was summarized, and also extracts were quoted from it on page 298 of the record, and we offer it as USA Exhibit No. 766.

B203, extracts from it were quoted on pages 283 to 286 of the record, and we offer it as USA Exhibit No. 767.

B204, which was quoted from on pages 286 and 287 of the record is offered as USA Exhibit No. 768.

B206, extracts from this paper were quoted on pages 297 and 298 of the record, and we offer it as USA Exhibit No. 769.

Document D317, extracts were quoted from it on pages 289 and 290 of the record, and we offer it as USA EXhibit No. 770.

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Now in addition to these documents Lieutenant Bryson, who presented the case for the prosecution against the individual defendant Schacht, offered in evidence the documents EC437 and 258 in their entirety on the condition that the French and Russian translations subsequently would be filed with the Tribunal. Now EC437 was assigned as USA Exhibit No. 624, and EC 258 was assigned as USA Exhibit 625, and the Tribunal ruled on page 2543 of the record that the documents would be received in their entirety only after the translations had been completed. Copies of these documents in all four languages have been filed with the Tribunal, and in the Defendants' Information Center, and that was done a few weeks ago. In accordance with the ruling of the Tribunal, we now offer these documents in evidence in their entirety, and we assume that they will retain the numbers USA Exhibit No.624, and USA Exhibit No. 625.

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Also in the Trial Brief on the individual responsibility of the defendant Schacht, which was recently submitted to the Tribunal and to the defendants' counsel, reference is made to a few documents which have not already, or heretofore, been offered in evidence. I think there is no necessity for taking the time of the Tribunal to read from these documents, and instead we have had pertinent extracts made available in German, French, Russian and English, and, copies in all the four languages have already been distributed to the Tribunal, and placed in the Defendants' Information Center. They have these documents, and we ask that they be received in evidence. They are EC384, which we offer as USA Exhibit No. 771, and EC406, which we offer as USA Exhibit No. 772. EC456 which is offered as USA Exhibit No. 773. EC495 which is offered as USA Exhibit No. 774. EC497 which is offered as USA Exhibit No. 775.

In addition to the interrogation of the defendant Schacht, dated 11 July 1945, which is one of those referred to in the Trial Brief as USA Exhibit No. 776, and finally, with respect to this economic aspect of the file, we respectively ask that the secret minutes of the meeting of the Ministers, dated 30 May 1930, which are included as State documents No. 1301-PS, and which is assigned USA Exhibit No. 123, be received in evidence in their entirety. These minutes have been made available to the Tribunal, and the defendants' counsel in all four languages.

I also wish to refer to document No. 1639-PS, which we offer as ---

DR. DIX: I am Dr. Dix for the defendant Schacht. The prosecution has just made the motion to accept in evidence a number of documents concerning the defendant Schacht, and they have to offer them at this time. These documents are contained in a supplementary volume which we received after the special case against the defendant Schacht had been finished, or a short time afterwards.

I do not intend to protest against this procedure, but in my opinion this procedure provided by the Court, and the Tribunal agreed with it, as a consequence, for the defendants counsel, that we have to follow this procedure, and we agree to that fact; but we have to be in a position also after finishing the whole case, or proof in favor of our clients at a later date to prevent introduction of such material, or of documents, if they can still add in favor of our plans.

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It is necessary, however, that we should be in a position also to offer witnesses, and I should like to ask the Tribunal to make a decision to give us the information on this point.

THE PRESIDENT: I shall say, Dr. Dix, the Tribunal believes that the prosecution is entitled to apply, as they have applied, and to have any of these documents admitted in evidence, and, similarly, that the defendants will be entitled to apply to have any documents which they offer in evidence in presenting the individual defendants' cases, as they come to an end.

DR. DIX: Thank you, sir.

MR. DODD: Now I wish to refer to document bearing our number 16398-PS, which we wish to offer as USA Exhibit No. 777. For the benefit of the Tribunal this document is entitled "Mobilization Book for the Civil Administration," and a 1939 edition. It was published in February, or, about in February 1939, over the signature of the defendant Keitel, the Chief of the OKW. It is classified "Top Secret," and was distributed in 125 copies to the higher Reich Ministry, as well as to the Army, Navy and Air Force. In its original form the document runs to some 150 pages. We have had translated into English, Russian and French pages 2 to 16, which gives the essential text of the document. It appears froma statement in the document itself, that the "Mobilization Book" had previously been issued, and was revised annually. This particular book which we introduce, or offer to introduce, was effective the 1st day of April 1939, and this was the operative basis that was used for the mobilization calendar at the time the Nazis launched their aggression against Poland.

However, we wish to relate it back primarily to that part of the record dealing with the Nazi plan and preparation for the aggression, because the "Mobilization Book" or such a "Mobilization Book" had been in effect for a year prior to 1939.

Secondly, we say it ties in with the secret Nazi Defense Laws of 1935 and 1938 which are contained in Documents 2261-PS and 2194-PS, introduced before the Tribunal as Exhibits USA Nos. 24 and 36 respectively.

Thirdly, it is another clear indication, we submit, of the Nazi plans and preparations for aggressive war. That portion of the Prosecution's case dealin with Nazi preparations for aggression was presented by Mr. Alderman of the

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American Prosecution staff at the morning and afternoon sessions of the Tribuna on November 27, 1945, and may be found at pages 399 to 464 of the record.

Inasmuch as this document has been translated into all four languages, we assume that it is not necessary to read it into the record, but we do wish to quote, however, directly, two extracts -- we will withdraw that. They are included in the translation and I see no necessity for reading them over the translation system.

This document was also, I might say, referred to by the Chief Prosecutor for the United States in his opening address, and it is the only document there in referred to which has not been offered formally to the Tribunal in evidence.

I should like to take up one other matter. I wish to move to strike one piece of evidence offered by the Prosecution and by an American member of the Prosecution.

On the 15th day of January 1946, certain testimony appearing at page 2760 in the record was presented on behalf of the United States Chief Prosecutor. A further examination of this document indicates to us that there is some grave question as to its authenticity, although, of course, at the time we believed that it was authentic. We have reason now for having grave doubt about it.

Therefore, we ask that the testimony appearing on page 2760 of the record be stricken. It reads as follows -- it is only three brief paragraphs. Quoting from the record at that page, 2760:

"Now, in concluding the question of the ideological significance of the Hitler Youth, I would like to ask your indulgence while I make a short quotatio from that master ideological leader, the defendant Alfred Rosenberg, found in Document 130-PS, your document book page 122, which is offered as U.S.Exhibit 672. Rosenberg was making an answer to some inquiries of the defendant Bormann about the expediency of initiating some legal proceedings against the churches in 1939. Rosenberg replied, apparently inclosing an article which he had writt the year before, and it is from this article that I wish to quote. Quoting fro the article, from Document 130-PS:

"'We have made quite some progress in carrying the N.S. ideology to German youth. But what there is still left of Catholic youth are only small groups which will be absorbed as time goes on. The Hitler Youth is the absorbing

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sponge which nobody can resist. Furthermore, our program for educational categories of our schools has been built up already with such an anti-Christian and anti-Jewish tendency that the generations growing up now will be safe from the black swindle.'"

That is the end of the quotation from the document. Then the prosecutor representing the U. S. Chief Prosecutor went on to say, quoting from that page of the record:

"That is on pages 122 and 123. The quotation is from page

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123. The document begins at page 122; all underlined in red. I use that extract, your Honor, in connection with the expectancy of these conspirators themselves with respect to the Hitler Youth and what it was to do to the minds of young Germans."

That is the end of the quotation from the record.

As I said a minute ago, we cannot vouch for the authenticity of this document, and it was misunderstood when offered. Actually, it was found in the files of the defendant Rosenberg, but it amounts to a letter from the defendant Bormann to the defendant Rosenberg, enclosing what was a pamphlet or a throwaway or a scatter-paper, calling the defendant Rosenberg's attention to it, and this quotation was read from that pamphlet, so we ask that it be stricken from the record, and I assume there is no objection.

THE PRESIDENT: Has the defendant Rosenberg's counsel any objection to this being struck out of the record?

DR. THOMA: I have no objection to make, sir.

THE PRESIDENT: Then it will be struck out.

MR. DODD: I have only one last matter, which I am sure I can conclude before the usual recess time.

In the course of the presentation of the individual case against the defendant Ribbentrop, our distinguished colleague Sir David Maxwell-Fyfe, the Deputy Chief British Prosecutor, introduced Document 3358-PS as Exhibit GB-158. This was on the 9th day of January, 1946, and may be found at page 2380 of the record.

This document is a German Foreign Office circular dated the 25th day of January 1939, and it is on the subject of the "Jewish Question as a Factor in German Foreign Policy in the Year 1938." Sir David read portions of this document into the record, including the first sentence of the full paragraph appearing on page 3 of the English translation of the document.

I have discussed the matter with Sir David, and he has very graciously agreed that we might ask the permission of the Tribunal to add two more sentences to the quotation which he read, because we feel, and Sir David feels with us, that the additional two sentences which follow immediately the sentence which he read add something to the proof with reference to the persecution of the Jews as related to crimes against peace. It is desired, therefore, by the

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Prosecution, that the entire paragraph on page 3 of the English translation of this document be considered as in evidence by the Tribunal, and in accordance with the ruling of the Tribunal generally made as to other such situations, we submit now an English, German, French, and Russian translation of that entire paragraph to obviate the necessity for reading it, and the original, of course, is in the German language.

It is a very brief paragraph, but I don't think that the Tribunal would care to have me read it, even to take a minute or two. It is already in the record. It is only two sentences. It does not wrench anything from the text; in our opinion, it only adds a little to the proof. It you would like to have it read, I can do so.

THE PRESIDENT: Yes, I think we would.

MR. DODD: The sentence read by Sir David reads as follows:

"It is certainly no coincidence that the fateful year 1938 has brought nearer the solution of the Jewish question simultaneously with the realization of the idea of greater Germany, since the Jewish policy was both the basis and consequence of the events of the year 1938."

That is the end of the sentence, and that is what was quoted by Sir David on the 9th day of January, at page 2380. We wish to add the following, beginning right after that sentence:

"The advance made by Jewish influence and the destructive Jewish spirit in politics, economy, and culture, paralyzed the power and the will of the German people to rise again, or perhaps even in the power policy opposition of the former enemy allied powers of the World War."

And we wish to add this second sentence which follows immediately, as well:

"The healing of this sickness among the people was therefore certainly one of the most important requirements for exerting the force which in the year 1938 resulted in the joining together of greater Germany in defiance of the world."

We felt that that would add something to our proof with respect to this persecution of the Jesw.

Those are the only matters I have to bring up for the record.

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THE PRESIDENT:Some time ago I wrote to Mr. Justice Jackson on behalf of the Tribunal, asking whether a list of the persons who formed the German General Staff could be submitted to the Tribunal. Has that been done?

MR. DODD: I am familiar with that communication. I recall

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Mr. Justice Jacks n's showing it to me. If it has not been done, it shall be done directly. It may have been overlooked.

THE PRESIDENT: I had a letter back from Mr. Justice Jackson saying that it should be done.

MR. DODD: Yes, I recall it.

THE PRESIDENT: And I will be glad if you will verify that it has been done.

MR. DODD: I am afraid I must say that if it hasn't been done, it is probably my fault. I recall the Justice handing it to me, and I think I passed it to Colonel Taylor's organization, but I will check up on it and see that it is delivered.

THE PRESIDENT: It will be an appropriate time for it to be done, I should think, during the course of the argument on the organizations, if it hasn't been done.

MR. DODD: Very well.

THE PRESIDENT: And an affidavit accompanying it, showing how it has been made up.

MR. DODD: Very well, your Honor.

Lt. Margolies tells me he thinks it has just been sent a few days ago, but he is not certain.

THE PRESIDENT: He thinks it has been done?

MR. DODD: He thinks so, but we will look into it.

THE PRESIDENT: Very well.

Then, tomorrow morning at 10:00 o'clock counsel for the Prosecution will be ready, will they, to argue the case of the organizations which they asked to be declared criminal under Article 9 of the Charter?

MR. DODD: The Prosecution is prepared to be heard tomorrow morning at 10:00 o'clock on that.

THE PRESIDENT: And counsel for the various organizations are prepared to argue against that?

Then it is understood that at 10:00 o'clock tomorrow the Tribunal will sit for that purpose and will continue until the argument is concluded.

DR. KUBUSCHOK (Counsel for the Reich Cabinet): The counsel for the

organisations are ready, according to the suggestion of the Court, to enter in the discussion of the case against their clients tomorrow. The Prosecution has supported them in so far as they have presented the basic document for the accusation.

In accordance with the suggestion of the Tribunal that not only should it be discussed tomorrow, but that these new legalistic questions should be discussed, in so far as they are relevant, for the examination of the extent and the relevancy of the matters of proof, the defense counsel for the organizations will be very glad if the prosecution will make available to us the speech which they are going to make on legal questions, since we would like to answer immediately.

THE PRESIDENT: I don't know, but we haven't had any copy of any written argument presented to us. I don't know whether counsel for the Prosecution would say whether they have any written argument.

MR. DODD: Well, Sir David can say much better for himself. What I was going to say is what I said previously, that I am informed that he has already presented his outline to both the Tribunal and to counsel.

Mr. Justice Jackson is still working on his remarks, and while he did hope to submit a draft, late communications were received only this morning from interested persons in the War Department that have made it necessary for him to work right up to now, and therefore we are faced with the practical difficulty of not having a prepared statement to submit.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, I have prepared two appendices which endeavor to cover the first two points in the Tribunal's statement of January, the elements of criminality and the connected defendants mentioned in Article 9 of the charter. I have arranged that copies in German should be given to all the defense counsel. I hope everyone has got a copy. I have also arranged that copies be submitted to the Tribunal.

I have added to that an addendum showing the references to the transcript, and in some cases to the documents on each of the points, and I am afraid that is in English, but it is reference to paragraphs, so it shouldn't be difficult for the defense counsel to fit it into their document.

I am afraid that it would be mechanically impossible to give a copy of the

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Justice's speech and mine. What I intended to add was largely on the facts which I have endeavored to put before the defense counsel already, but if the defense counsel for the organizations would care to hear informally what is the sort of general line, I should be very pleased to tell them if it would be any help. I want to help in any way I can.

THE PRESIDENT: Yes, very well.

We will now adjourn.

(The Tribunal adjourned until 28 February 1946 at 1000 hours);